

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL 2327</b>
<b>THIS DOCUMENT RELATES TO:  ETHICON WAVE 3 CASES LISTED IN EXHIBIT A</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**DEFENDANTS' NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE OF  
ELIZABETH KAVALER, M.D. FOR WAVE 3**

Come now, the Defendants, and hereby adopt and incorporate by reference Defendants' prior Daubert response in Ethicon Wave 1, Case No. 2:12-md-02327, ECF No. 2165 ("Defendants' Wave 1 Response") to Plaintiffs' Motion to Preclude or, in the Alternative, to Limit the Opinions and Testimony of Elizabeth Kavaler, M.D., ECF No. 2005 ("Plaintiffs' Wave 1 Motion").

This notice applies to the Wave 3 cases identified in Exhibit A attached hereto (the "Wave 3 Cases").

Defendants acknowledge that on August 31, 2016, the Court issued a Memorandum Opinion and Order, ECF No. 2704 (the "Order") GRANTING Plaintiffs' Wave 1 Motion in part, DENYING it in part, and RESERVING judgment in part.

Where the Court DENIED Plaintiffs' Wave 1 Motion, Defendants respectfully request that the Court adopt the same ruling in the Wave 3 Cases for the reasons set forth in Defendants' Wave 1 Response and the Court's Order.

Where the Court otherwise GRANTED or RESERVED judgment on Plaintiffs' Wave 1 Motion, Defendants acknowledge the Court's ruling, and acknowledge the same circumstances apply in Wave 3, but preserve their right to challenge the ruling on appeal..

Respectfully submitted,

October 11, 2016

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JOHNSON & JOHNSON

**EXHIBIT A**

	<b>WAVE 3 CASE NAME</b>	<b>CASE NO.</b>
1.	April Berry and Danny Berry v. Ethicon, Inc., et al.	2:12-cv-03074
2.	Kathy Blake v. Ethicon, Inc. et al.	2:12-cv-02943
3.	Terry Page v. Ethicon, Inc., et al.	2:12-cv-02884
4.	Audrey Smallridge and Theron Smallridge v. Ethicon, Inc., et al.	2:12-cv-02956

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2016, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ *Kelly S. Crawford*  
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